

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
 (Chapter II of the Patent Cooperation Treaty)
 (PCT Article 36 and Rule 70)

REC'D 21 JUL 2005	WIPO	PCT
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Applicant's or agent's file reference 217.1023.01		FOR FURTHER ACTION	See Form PCT/IPEA/416																								
International application No. PCT/US04/22847		International filing date (day/month/year) 14 July 2004 (14.07.2004)	Priority date (day/month/year) 15 July 2003 (15.07.2003)																								
International Patent Classification (IPC) or national classification and IPC IPC(7): GO6F 17/00 and US Cl.: 707/104.1																											
Applicant KALEIDESCAPE, INC.																											
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of 18 sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <table> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>				<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand 16 MAY 2005		Date of completion of this report 23 June 2005 (23.06.2005)																									
Name and mailing address of the IPEA/ US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230		Authorized officer John Breene Telephone No. 703-305-3900																									

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/US04/22847

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- international search (under Rules 12.3 and 23.1(b))
 - publication of the international application (under Rule 12.4)
 - international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

- the international application as originally filed/furnished

the description:

pages 1-17 as originally filed/furnished
 pages* NONE received by this Authority on _____
 pages* NONE received by this Authority on _____

the claims:

pages _____ as originally filed/furnished
 pages* _____ as amended (together with any statement) under Article 19
 pages* 18-35 received by this Authority on 16 May 2005 (16.05.2005)
 pages* NONE received by this Authority on _____

the drawings:

pages NONE as originally filed/furnished
 pages* NONE received by this Authority on _____
 pages* NONE received by this Authority on _____

- a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

- the description, pages _____
- the claims, Nos. _____
- the drawings, sheets/figs _____
- the sequence listing (specify): _____
- any table(s) related to the sequence listing (specify): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- the description, pages _____
- the claims, Nos. _____
- the drawings, sheets/figs _____
- the sequence listing (specify): _____
- any table(s) related to the sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITYInternational application No.
PCT/US04/22847**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims <u>2,5-76,78-127</u>	YES
	Claims <u>1,3-4,77</u>	NO
Inventive Step (IS)	Claims <u>6-19,21-61,63-76,83-127</u>	YES
	Claims <u>1-5,20,62,77-82</u>	NO
Industrial Applicability (IA)	Claims <u>1-127</u>	YES
	Claims <u>NONE</u>	NO

**2. Citations and Explanations (Rule 70.7)
Please See Continuation Sheet**

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**International application No.
PCT/US04/22847****Supplemental Box****In case the space in any of the preceding boxes is not sufficient.****Continuation of:****V. 2. Citations and Explanations:**

Claims 1,3-4,77 lack novelty under PCT Article 33(2) as being anticipated by Parulski (US 5,410,415).

Regarding claim 1, Parulski teaches including steps of adjusting an aspect ratio . . . at col.2, lines 36-45.

Regarding claim 3, Parulski teaches including at least one of the steps of adjusting an aspect ratio . . . at col.2, lines 65 to col.3, line 11.

Regarding claim 4, Parulski teaches wherein the information . . . at col.2, line 65 to col.3, line 11.

Regarding claim 77, Parulski teaches means for recognizing an element . . . at col.2, lines 36 to col.3, line 12.

Claims 2,5,20,62, 78-82 an inventive step under PCT Article 33(3) as being obvious over Parulski et al (US 5,410,415) in view of Kahn (2002/0118299).

Regarding claim 2, Parulski does not explicitly teach wherein said aspect ration . . . however Kahn does teach this limitation at paragraph 8. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited reference to conceal undesirable video artifacts from the viewer at paragraph 18.

Regarding claim 5, Parulski explicitly teach wherein the steps of adjusting include automatically controlling one or more masks however Kahn does teach at paragraph 8. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to conceal undesirable video artifacts from the user at paragraph 18.

Regarding claim 20, Parulski does not explicitly teach wherein said steps of adjusting . . . however Kahn does teach this limitation at paragraph 47. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to automatically hide subtitles from user at paragraph 47.

Regarding claim 62, Parulski does not explicitly teach wherein the steps of adjusting include blanking an inactive area . . . however Kahn does teach this limitation at paragraph 24. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to provide a means to display the image.

Regarding claim 78, Parulski does not explicitly teach wherein said means for adjusting includes means for adjusting masking . . .

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITYInternational application No.
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however Kahn does teach this at paragraph 8. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to conceal undesirable video artifacts from the viewer at paragraph 18.

Regarding claim 79 , Parulski does not explicitly teach wherein said means for adjusting includes means for adjusting the aspect ratio ... however Kahn does teach this at paragraph 8.. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to conceal undesirable video artifacts from the viewer at paragraph 18.

Regarding claim 80 ,Parulski does not explicitly teach wherein said means for adjusting includes means for positioning ... however Kahn does teach this at paragraph 8. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to conceal undesirable video artifacts from the viewer at paragraph 18.

Regarding claim 81 , Parulski does not explicitly teach wherein said means for adjusting includes means for positioning ... however Kahn does teach this at paragraph 8. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to conceal undesirable video artifacts from the viewer at paragraph 18.

Regarding claim 82 , Parulski does not explicitly teach wherein that element includes at least one of ... subtitle ... however Kahn does teach this at paragraph 40. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to provide a means for the user to avoid viewing undesirable materials at paragraph 40.

Claims 6-19, 21-61, 63-76, 83-127 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest:

- Regarding claims 6-9, presenting a media stream .. .
- Regarding claims 10-13, recognizing a media stream .. .
- Regarding claims 14-19, recognizing an element. .
- Regarding claims 21-22, positioning some combination. .
- Regarding claims 23-29,identifying a media stream. .
- Regarding claims 30-33,58-59,a database including information... .
- Regarding claims 34-35,60-61,providing access to information... .
- Regarding claims 36 ,a first media stream media stream .. .
- Regarding claims 37-50,55-56, adjusting the active area .. .
- Regarding claims 51-54,105-108 selecting a target location.. .
- Regarding claims 57, determining a media stream .. .
- Regarding claims 63, 112 automatically determining the aspect ratio .. .
- Regarding claims 64-68,83,111, means for adjusting the aspect ratio .. .
- Regarding claims 69-72, means for presenting a media stream .. .
- Regarding claims 73-76, means for recognizing a media stream .. .
- Regarding claims 84-85, means for positioning some combination .. .
- Regarding claims 86-90, means for identifying a media stream .. .
- Regarding claims 91-104,109-110,means for adjusting the active area .. .
- Regarding claim 113-121 a set of metadata associated .. .
- Regarding claim 122, a set of displayable reference rectangles .. .
- Regarding claim 123, one or more mask values .. .
- Regarding claims 124, means for generating positional data .. .
- Regarding claim 125-126, means for generating a request .. .
- Regarding claims 127, means for analyzing a media stream .. .